

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony indicated that the subject property, known as 8504 Marblehead Road (Lot 29), zoned D.R. 2, is part of a 31-lot development known as The Fields of Seminary II. NV Homes has the contract to purchase all of the lots from T.W.S., Inc. Mr. Walton testified regarding NV Homes' experience in building homes in the Baltimore, Washington, Delaware, and McLean, Virginia areas, and in particular, their previous developments in Baltimore County. He further testified that after completing a marketing analysis of the area, it was determined that there was a need

Petitioners argued that to deny the requested variances would create tremendous practical difficulty upon the Petitioners without benefiting the community. Counsel indicated potential property owners and

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

In the opinion of the Deputy Zoning Commissioner, the variances requested herein are appropriate in some instances and excessive in others and therefore not in keeping with the spirit and intent of the zoning regulations. It is clear that N.V. Homes attempted to fit its homes on lots previously laid out by Petitioners. The variances for Lots 14, 15, 16 and 17 will be granted with restrictions as in those cases, it is felt

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested for Lot 29 should be denied.

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6603 York Road Baltimore, Maryland 21212 (301) 377-2600

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2-21-87 ACCOUNT R-01-015-000

AMOUNT \$ 124.55

RECEIVED FROM TWO S. INC

FOR DEPOSIT TO ANTIQUARIY (50-286A)

6 BAL*****124.55

sign & post set(s),
above fee for each such
sign.
NES
signer of
city

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 8th Date: January 5, 1989
Posted for: Various
Petitioner: T.W.S. INC.
Location of property: N/S of Seminary Ave. 200' W. of the
S/E. of Marblehead Rd. Lot 22 (5504 Marblehead Rd.)
Location of Sign: Northside Seminary Ave. at the front of
Lot #22
Remarks:
Posted by: [Signature] Date of return: 1-13-89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989
THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 5, 1989.

THE JEFFERSONIAN
TOWSON TIMES,

S. Zake Olson
Publisher

PO 07847

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DEC 19 1988

NOTICE OF HEARING

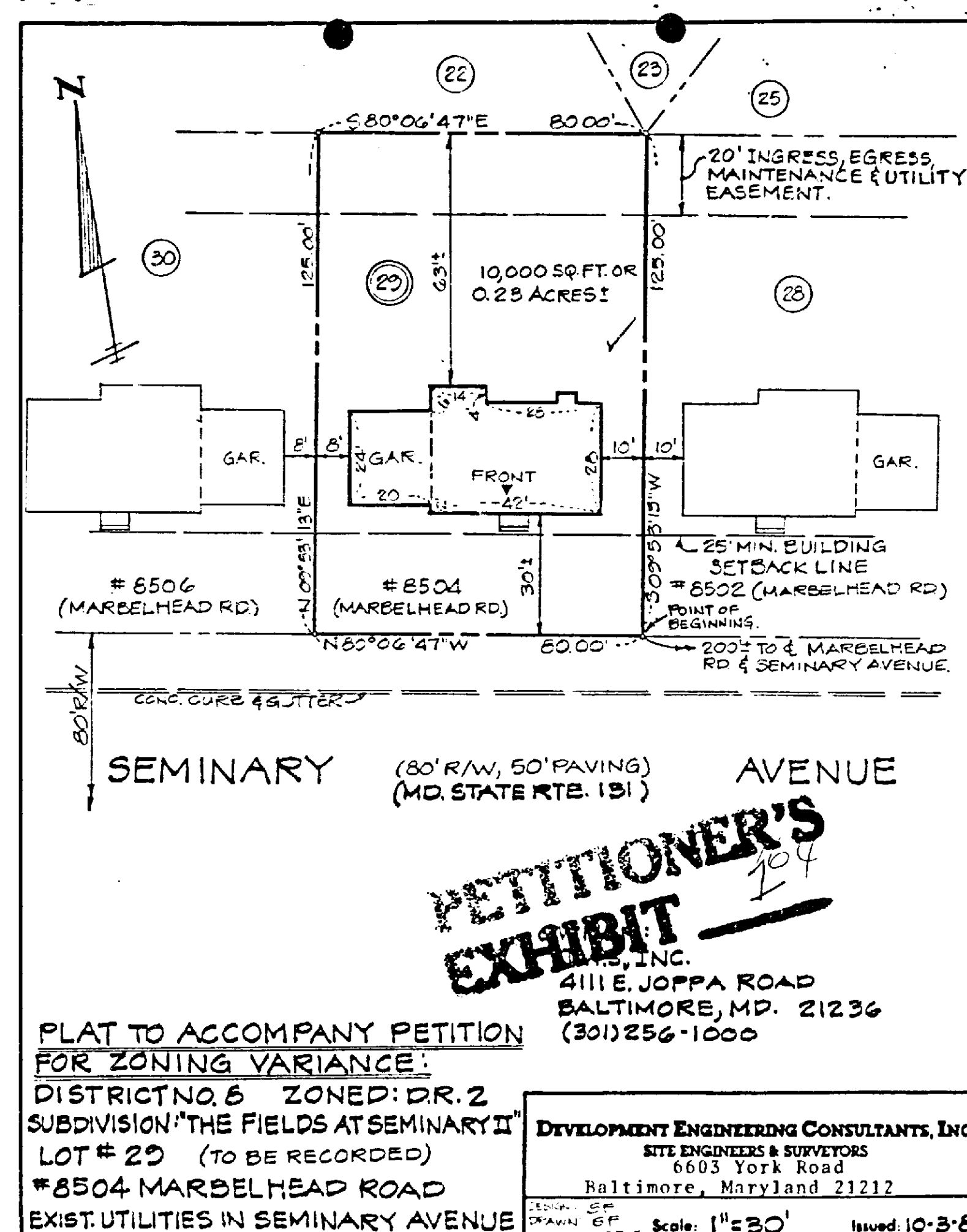
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

PETITION FOR ZONING VARIANCE
Case Number: 89-286-A
NS Seminary Avenue, 200' W. c/l Marblehead Road
8504 Marblehead Rd. (Lot 29)
8th Election District - 3rd Councilmanic
Petitioner(s): T.W.S., Inc.
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 9:30 a.m.

Variance to permit a window to property line distance of 10 ft. and a window to window distance of 20 ft. in lieu of the required 15 ft. and 40 ft. respectively for Lot #29 and to permit a distance between buildings of 20 ft. in lieu of the required 30 ft., all for Lot #29 and to amend the Final Development Plan of The Fields at Seminary, Lot #29 to allow same.

In the event this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 2nd day of January, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: T.W.S., Inc.
Petitioner's Attorney: [Signature]
Received by: [Signature]
Chairman, Zoning Plans Advisory Committee

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 3, 1989



Robert J. Ryan, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
N/S Seminary Avenue, 200' W. of the c/l of Marblehead Road
(8504 Marblehead Road - Lot 29)
8th Election District - 3rd Councilmanic District
T.W.S., Inc. - Petitioner
Case No. 89-286-A

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

[Signature]
JAN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Ms. Mary Ginn
606 Horncrest Road, Towson, Md. 21204

People's Counsel

File

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: T. W. S., Inc.

Location: NS Seminary Avenue, 200' W. of c/l of Marblehead Road, #8504 Marblehead Road
Item No.: 164 Zoning Agenda: Meeting of 11/1/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] NOTED & APPROVED:
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Douglas C. Corbin, Vice President
T.W.S., Inc.
4111 East Joppa Road
Baltimore, Maryland 21236

RE: Item No. 164, Case No. 89-286-A
Petitioner: T.W.S., Inc.
Petition for Zoning Variance

Dear Mr. Corbin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Steven L. Fader
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner Date: January 20, 1989
Pat Keller, Deputy Director
Office of Planning and Zoning
Zoning Petition Nos. 89-280-A through 89-283-A
SUBJECT: TWS, Inc. (The Fields at Seminary II - Lots 14, 15, 16, 17, 18, 19, 20, 21, 22)

The applicant is requesting a series of variances to allow a reduced building separation (distance between buildings) for 9 lots in a 31 lot subdivision. In reference to this request, staff provides the following information:

- The applicant states that 1) a reduction in size of standard units is impractical, and 2) smaller units would be inconsistent with other units in the subdivision; and 3) smaller units would be incompatible with the concept and intent of development in surrounding neighborhoods. The statement of hardship implies that adhering to zoning standards would result in the provision of smaller units. Based upon staff estimates, building widths would average 50 feet in length and range between 115 and 125 feet in depth and fall within the required building restriction lines. This buildable lot area would provide a building footprint of approximately 5,700 square feet or larger in size. Adhering to zoning requirements would not in fact result in smaller building sizes being constructed on the site. Certainly, different building footprints would be required on the site but not smaller building footprints.
- The issue of compatibility within the subdivisions and neighborhood raises questions of identical homes being provided within the subdivision, and similar lot sizes and building sizes located in the surrounding community. The desire to provide identical homes throughout the subdivision should have been taken into consideration the lot configuration approved for the development. Obviously, the desire to maintain a standard building form on smaller lot widths is distorting the need for variances.

Staff's main concern in situations such as these is maintaining the integrity of the density residential concept and the basic design tenets of the ZCP Manual. Regardless of windows and building heights, the primary goal of building separation is to provide for light, air, noise reduction, open space and nuisance reduction. Based upon these general considerations, staff would recommend a minimum building separation be provided based upon the 45 percent rule that maintains a 45 degree angle from the edge of structure rising to base of adjoining structure. Using this basic principle, a 20 foot building separation between non-garage sides should be provided, and a 30 foot separation between non-garage sides should be provided.

PK/sf

RECEIVED
JAN 23 1989

ZONING OFFICE